

REMARKS

Claims 1-23 are pending in the present application. Applicant appreciates allowance of claims 1-10 and 12-23. Applicant proposes amending independent claim 11. Support for the proposed amendments may be found between line 19 on page 8 and line 13 on page 9 of the Patent Application. No new subject matter has been introduced. Applicant respectfully submits that the proposed amendments place the present application in better condition for allowance and/or appeal and therefore request that the proposed amendments be entered and considered by the Examiner. In view of the proposed amendments and remarks set forth below, the Applicant requests reconsideration of the present application by the Examiner.

In the Office Action mailed November 3, 2006, claim 11 was rejected for allegedly being unpatentable over U.S. Patent No. 6,963,918 B1, Leung (hereinafter Leung) in view of U.S. Patent Application Publication No. 2001/053694 to Igarashi, et al (hereinafter Igarashi). Applicant respectfully traverses this rejection.

A finding of obviousness under 35 U.S.C. § 103 requires a determination of the scope and content of the prior art, the level of ordinary skill in the art, the differences between the claimed subject matter and the prior art, and whether the differences are such that the subject matter as a whole would have been obvious to one of ordinary skill in the art at the time the invention was made. *Graham v. John Deere Co.*, 148 USPQ 459 (U.S. S.Ct. 1966). To determine whether the subject matter as a whole would have been obvious to one of ordinary skill in the art at the time the invention was made, one should determine whether the prior art reference (or references when combined) teach or suggest all the claim limitations. Furthermore, it is necessary for the Examiner to identify the reason why a person of ordinary skill in the art would have combined the prior art references in the manner set forth in the claims. The required

reason may be provided by some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Thus, the absence of a suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings may be evidence that the claims are not obvious.

Independent claim 11 sets forth a method of involving a wireless network including a home agent and a foreign agent associated with a mobile station. The method set forth in claim 11 includes determining, at the foreign agent, that at least one packet received from the mobile station is to be routed to a service provider server. The method set forth in claim 11 also includes determining whether packets received from the service provider are to be routed to the home agent based on a service provider server address indicated in the received packet. The method set forth in claim 11 further includes modifying the packet received from the mobile station so that packets transmitted from the service provider to the mobile station bypass the home agent when the foreign agent determines that packets received from the service provider are to bypass the home agent.

Leung is concerned with providing voiceover Internet Protocol in a mobile IP environment. Leung describes using a care-of address to transmit packets directly to a foreign agent 204 instead of requiring that all data packets be sent via the home agent 224. See Leung, col. 5, ll. 15-35 and Figure 2. However, Leung does not describe or suggest determining whether or not to route received packets to the home agent based on a server provider address indicated in the received packets, as set forth in independent claim 11. Leung also fails to teach or suggest modifying the packet received from the mobile station so that packets transmitted from the service provider to the mobile station bypass the home agent when the foreign agent determines

that packets received from the service provider are to bypass the home agent, as set forth in independent claim 11.

Igarashi describes use of service profile caches (SPCs) for use-specific and common services. See Igarashi, page 6, paragraph [0109]. The service controller 103 employs a service file cache 103a storing collection of service profiles and a searching policy management table 103b describing the procedure of service profile searching. See Igarashi, page 6, paragraph [0117]. The packet controller 101 searches the service profile cache for an appropriate service profile that meets the header information. With this service profile, Igarashi edits the packet and determines where to route the packet. See Igarashi, page 7, paragraph [0122]. However, Igarashi does not describe or suggest determining whether or not to route received packets to the home agent based on a server provider address indicated in the received packets, as set forth in independent claim 11. Igarashi also fails to teach or suggest modifying the packet received from the mobile station so that packets transmitted from the service provider to the mobile station bypass the home agent when the foreign agent determines that packets received from the service provider are to bypass the home agent, as set forth in independent claim 11.

Applicant therefore respectfully submits that the cited references fail to teach or suggest all the limitations set forth in independent claim 11. Applicant also submits that neither of the cited references is concerned with techniques that allow a foreign agent to determine whether or not packets that are transmitted from a server to a mobile unit should be routed through a home agent. Thus, Applicant respectfully submits that the cited references fail to provide any suggestion or motivation to modify and/or combine the references to arrive at the subject matter set forth in independent claim 11.

Based on the aforementioned reasons and legal standard, Applicant respectfully submits that claim 11 is not rendered obvious by the cited references. Applicant requests that the

Examiner's rejections of claim 11 under 35 U.S.C. §103(a) be withdrawn.

In view of these remarks, the application is now in condition for allowance and Examiner's prompt action in accordance therewith is respectfully requested. If for any reason Examiner finds the application other than in condition for allowance, Examiner is respectfully requested to call the undersigned at the Houston, Texas telephone number (713) 934-4052 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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